

Chairman Kevin Martin
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: CS Docket 97-80

Dear Chairman Martin:

I am a Time Warner San Diego Cable subscriber in San Diego, California. And I use a TiVo Series 3 HD DVR with Cable Cards to receive my cable programming. The issue I have is that Time Warner will not activate my Cable Cards for ESPN2HD channel # 730.

I pay for this channel I also pay Time Warner over \$125.00 each month for my programming this includes all the sports channels, HBO, Showtime, and the High Definition channels. The problem is that time Warner is forcing me to rent their equipment to receive ESPN2HD they refuse to turn on my cable cards so my own equipment will not work. How can they discriminate against customers that buy their own equipment and not give them the channels that I am paying for? I have complained to Time Warner and they still refuse to turn on the programming they tell me it is a broadcast issue. When I contact ESPN they tell me they have no issue with this and it is a Time Warner Issue. When I contact TiVo they tell me that I should be receiving this channel it is in their cable line up from Time Warner.

How can we stop this discrimination as it is not right to the consumer to buy their own equipment and pay for cable cards to receive the channels they are paying for and to pay for TiVo Service and not get the service that I am paying for?

I think the cable company should pay me the \$800 for each of my 3 receivers and for my subscription to TiVo if I can not use the service that I am paying for.

Can you help me? The FCC should help consumers and ensure that cable cards are able to receive all cable channels available to cable operator supplied boxes, Including HBO, Pay per view and video on demand channels this is denying competition and is discrimination against consumers having a choice.

Thanks for your time.

Terry L. Thrush Sr.

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